

APPLICANT(S): FEIGENBAUM, Idan
SERIAL NO.: 10/032,707
FILED: January 2, 2002
Page 8

REMARKS

The present response is intended to be fully responsive to all points of objection and/or rejection raised by the Examiner and is believed to place the application in condition for allowance. Favorable reconsideration and allowance of the application is respectfully requested.

Applicant asserts that the present invention is new, non-obvious and useful. Prompt consideration and allowance of the claims is respectfully requested.

Status of Claims

Claims 1, 3-13 and 15-25 are pending in the application. Claims 1, 3-13 and 15-25 have been rejected. Claims 1, 3-13 and 25 have been amended.

Voluntary Amendments

Applicant voluntarily amended claims 1, 13 and 15 to better distinguish them from US 6,178,460, as discussed hereinbelow.

Allowable Subject Matter

In the Office Action, the Examiner stated that claims 1 and 3-12 would be directed to statutory subject matter if properly amended.

Applicant's amendment to independent claims 1, 13, and 25, make such independent claims allowable. Applicant asserts that, being dependent on amended base claims 1 and 13, claims 3-12 and 15-24 are also allowable.

Applicant respectfully asserts that, given the reasoning hereinbelow, the amendments to the claims introduce no new matter into the disclosure of the present application.

Applicant would like to thank the Examiner for the allowance of the subject application based on the distinctions enumerated in the "Allowable Subject Matter". Applicant agrees, without prejudice, that these distinctions provide sufficient basis for allowance of the application; however, Applicant respectfully submits that there may be

APPLICANT(S): FEIGENBAUM, Idan
SERIAL NO.: 10/032,707
FILED: January 2, 2002
Page 9

alternative and/or additional patentable distinctions between the claimed invention and the cited prior art, related or unrelated to those explicitly addressed in the "Allowable Subject Matter".

CLAIM REJECTIONS

35 U.S.C. § 101 Rejections

In the Office Action, the Examiner rejected claims 1 and 3-12 under 35 U.S.C. § 101, as being directed to non-statutory subject matter. Applicant amended these claims so as to overcome this rejection.

35 U.S.C. § 102 Rejections

In the Office Action, the Examiner rejected claims 1, 3-13 and 15-25 under 35 U.S.C. § 102(e), as being anticipated by Maddalozzo, Jr. et al. (US 6,178,460). Applicant respectfully traverses this rejection in view of the remarks that follow.

Claim 1, as amended, recites, *inter alia*:

"A system for downloading a file to a computer, the system comprising: ..., said first of said portions and said second of said portions are substantially simultaneously downloaded to said computer."

As Fig. 4 of the present invention schematically illustrates, the different portions of a file are downloaded from different servers in a single step (step 1410); that is, in parallel.

In contradistinction, Maddalozzo discloses a method according to which "*The list of network locations is accessed in sequence to locate a network location having acceptable communication performance. During the sequential access of network locations ...,*" c. 6, lines 46-49; and "*..., the user has selected www.uicu.edu utilizing..., . The method starts by accessing the user selected network location or establishing a communication link with first network location 201,..., If first location 201 cannot provide communication performance,..., c. 11, lines 33-57).*

APPLICANT(S): FEIGENBAUM, Idan
SERIAL NO.: 10/032,707
FILED: January 2, 2002
Page 10

In other words, only one network location is accessed at any given time for retrieving a portion of a file, which network location is chosen among several locations that are arranged in a circular manner (*"the method established a communication link or starts data transfer from the first network location of the circulating list. ..., If communication performance is not adequate, the method iterates ..., and the next ranked network location from circulating list is accessed."*, c. 12, lines 56-66).

Therefore, US 6,178,460 does not disclose, teach or suggest claim 1 because the quoted element is not taught/disclosed in the cited prior art, and the Examiner does not suggest it does. For a reference to anticipate a claim, the reference must show all elements. Therefore, the reference doesn't anticipate claim 1.

Applicant's independent claim 1, as amended, includes, inter alia, *"retrieval module for retrieving a plurality of portions of a file from a plurality of computers ..., wherein said first of said portions and said second of said portions are substantially simultaneously downloaded to said computer"*.

Applicant's independent claim 13, as amended, includes, inter alia, *"retrieving a plurality of portions of said file from a plurality of computers ..., wherein said first of said portions and said second of said portions are substantially simultaneously downloaded to said computer"*.

Applicant's claim 25, as amended, includes inter alia, *"a file retrieval code segment operative to retrieve a plurality of portions of said file from a plurality of computers, ..., operative to simultaneously retrieve at least a first of said portions from a first of any of said computers and at least a second of said portions, ...,."*

Maddalozzo does not disclose substantially simultaneous retrieval of file's portions from two or more servers, as is variously recited in Applicant's independent claims 1, 13, and 25, as amended. In order for a reference to anticipate a claim under 35 U.S.C. 102(e), the reference must teach every element of the claim being rejected. Applicant asserts that Maddalozzo does not teach every element of the Applicant's independent claims 1, 13, and 25, as amended. Applicant therefore asserts that independent claims 1, 13, and 25, as amended, are not anticipated by Maddalozzo. Applicant respectfully requests that Examiner

APPLICANT(S): FEIGENBAUM, Idan
SERIAL NO.: 10/032,707
FILED: January 2, 2002
Page 11

withdraws the rejection of independent claims 1, 13, and 25, as amended, as being anticipated by Maddalozzo.

As discussed, Applicant's independent claims 1, 13, and 25, as amended, are believed by Applicant to be allowable. Dependent claims 3-12 depend from independent claim 1 while dependent claims 15-24 depend from independent claim 13, and thereby include all of the elements of these claims. Therefore, Applicant respectfully requests that the Examiner withdraw his rejection of dependent claims 3-12 and 15-24.

In view of the foregoing amendments and remarks, the pending claims are deemed to be allowable. Their favorable reconsideration and allowance is respectfully requested.

Should the Examiner have any question or comment as to the form, content or entry of these Amendments, the Examiner is requested to contact the undersigned at the telephone number below. Similarly, if there are any further issues yet to be resolved to advance the prosecution of this application to issue, the Examiner is requested to telephone the undersigned counsel.

Respectfully submitted,



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